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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,644	02/27/2004	Jeffrey M. Harrington	GRTSTF.030A	7236
20995 .7590 07/18/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER DOVE, TRACY MAE	
			ART UNIT	PAPER NUMBER
			1745	
			NOTIFICATION DATE	DELIVERY MODE
			07/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

10/788,644

Applicant(s)

HARRINGTON, JEFFREY M.

Examiner

Tracy Dove

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 and 30-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 21-29 and 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/26/04, 4/18/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDSs) submitted on 4/26/04 and 4/18/06 have been considered by the examiner.

Election/Restrictions

Applicant's election with traverse of Group I in the reply filed on 5/1/07 is acknowledged. The traversal is on the ground(s) that there would not be a serious burden on the Examiner if restriction were not required because Groups I-IV are all classified in 429. This is not found persuasive because there would be a serious burden on the Examiner to search every subclass in class 429 together. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-11, 21, 24-29 and 37-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Motobe, JP 58-023162.

Motobe teaches an attaching device for a storage battery terminal. A pair of concave parts are provided on both sides of the battery and a pair of arms are provided on the terminal receiving part (abstract). In the Figure accompanying the abstract, a storage battery 1 is installed in an electric apparatus. A pair of concave parts 3 all located in opposite sides of the battery 1 and have an opening facing toward the end part of the battery 1. In addition, a pair of arms 6,

Art Unit: 1745

which are fitted and slid into the pair of concave parts 3 (respectively), are provided on both sides of the upper end of housing member 4. Pairs of positive and negative terminals 7 and 8 are provided on the concave parts 3 and on the inner sides of the arms 6. When the battery 1 is inserted into the receiving member 4, the terminals 7 of the concave parts and the terminals 8 of the arms 6 corresponding to each other are securely connected by making them in sliding contact with each other with an accurate contact pressure (abstract). The concave parts 3 may be of different sizes (means for preventing short-circuiting). The terminal 7 is surround by three side walls on the battery and the outer portion of the arm 6 (skirts). Thus the claims are anticipated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motobe, JP 58-023162.

Motobe teaches an attaching device for a storage battery terminal. A pair of concave parts are provided on both sides of the battery and a pair of arms are provided on the terminal receiving part (abstract). In the Figure accompanying the abstract, a storage battery 1 is installed in an electric apparatus. A pair of concave parts 3 all located in opposite sides of the battery 1 and have an opening facing toward the end part of the battery 1. In addition, a pair of arms 6, which are fitted and slid into the pair of concave parts 3 (respectively), are provided on both sides of the upper end of housing member 4. Pairs of positive and negative terminals 7 and 8 are

Art Unit: 1745

provided on the concave parts 3 and on the inner sides of the arms 6. When the battery 1 is inserted into the receiving member 4, the terminals 7 of the concave parts and the terminals 8 of the arms 6 corresponding to each other are securely connected by making them in sliding contact with each other with an accurate contact pressure (abstract). Regarding claims 2 and 3, Motobe teaches the pair of concave parts 3 have different sizes.

Motobe does not explicitly teach the terminals 7 face toward the base of the battery 1 and/or the terminals 8 face away from the base of the member 4.

However, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made because the orientation of the terminals is considered a matter of design choice. The claimed terminal orientation is considered obvious in view of the teaching of Motobe that the terminals are contained in concave recesses on the battery and arms of the receiving member. One of skill would have been motivated to modify Motobe to have terminals 7 face toward the base of the battery 1 and terminals 8 face away from the base of the member 4 because this orientation is an obvious design choice in view of the terminal orientation of Motobe.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy Dove whose telephone number is 571-272-1285. The examiner can normally be reached on Monday-Thursday (9:00-7:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1745

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 9, 2007



TRACY DOVE
PRIMARY EXAMINER